

Amendment No. \_\_\_\_\_

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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1247**

**House Bill No. 1291\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 62-3-129, is amended by adding the following as a new subsection:

(d)

(1) For the reinstatement of a certificate of registration required by this chapter for the practice of a profession listed in subdivision (d)(4) that has been expired for more than three (3) years but less than eight (8) years, the board shall:

(A) Waive reexamination or additional education requirements for the applicant; and

(B) Reinstatement the certificate of registration subject to the applicant's compliance with reasonable conditions that the board may prescribe, including payment of an additional reasonable fee to be set by the board.

(2) Subdivision (d)(1) applies to persons who, at the time of the person's failure to renew the certificate of registration:

(A) Are in good standing with the board; and

(B) Have been registered to practice a profession listed in subdivision (d)(4) for twenty (20) or more years.

(3) Subdivision (d)(1) does not apply to certificates of registration required under §§ 62-3-122 and 62-3-123.



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(4) Except as otherwise provided, this subsection (d) applies to certificates of registration to practice as the following:

- (A) Master barber;
- (B) Barber instructor; and
- (C) Technician.

SECTION 2. Tennessee Code Annotated, Section 62-3-129(c)(1), is amended by deleting the language "For the reinstatement of a certificate" and substituting "Except as provided in subsection (d), for the reinstatement of a certificate".

SECTION 3. Tennessee Code Annotated, Section 62-3-129(c)(2), is amended by deleting the language "For the reinstatement of a certificate" and substituting "Except as provided in subsection (d), for the reinstatement of a certificate".

SECTION 4. Tennessee Code Annotated, Section 62-3-129(c)(3), is amended by deleting the language "For the reinstatement of the certificate" and substituting "Except as provided in subsection (d), for the reinstatement of the certificate".

SECTION 5. Tennessee Code Annotated, Section 62-4-117, is amended by adding the following as a new subsection:

(h)

(1) For the reinstatement of a license required by this chapter for the practice of a profession listed in subdivision (h)(4) that has been expired for more than three (3) years but less than eight (8) years, the board shall:

(A) Waive reexamination or additional education requirements for the applicant; and

(B) Reinstate the license subject to the applicant's compliance with reasonable conditions that the board may prescribe, including payment of an additional reasonable fee to be set by the board.

(2) Subdivision (h)(1) applies to persons who, at the time of the person's failure to renew the license:

(A) Are in good standing with the board; and

(B) Have been licensed to practice a profession listed in subdivision (h)(4) for twenty (20) or more years.

(3) Subdivision (h)(1) does not apply to licenses required under §§ 62-4-121 and 62-4-122.

(4) Except as otherwise provided, this subsection (h) applies to licenses to practice as the following:

(A) Cosmetologist;

(B) Manicurist;

(C) Aesthetician; and

(D) Natural hair stylist.

SECTION 6. Tennessee Code Annotated, Section 62-4-117(d), is amended by deleting the language "A license issued" and substituting "Except as provided in subsection (h), a license issued".

SECTION 7. For the purpose of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_

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Signature of Sponsor

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Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 782**

**House Bill No. 798\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 65-31-114(f)(2), is amended by deleting the subdivision and substituting:

(2) The executive committee is composed of five (5) members of the board as follows:

(A) One (1) member from subdivision (c)(10), (c)(11), or (c)(13);

(B) One (1) member from a local government;

(C) One (1) member from a utility; and

(D) Two (2) members from the remaining members of the board.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.



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Amendment No. \_\_\_\_\_

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Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 952**

**House Bill No. 802\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 65-31-102, is amended by adding the following as new subdivisions:

( ) "Electronic white lining" means the application of a visual indicator to a digital or virtual map marking the boundaries of the area of proposed excavation or the area of ongoing excavation;

( ) "Hand dig" or "hand digging":

(A) Means any movement, placement, or removal of earth, rock, or other materials in or on the ground by use of non-mechanized tools or equipment, including, but not limited to, shovels, picks, post hole diggers, vacuum excavation, or soft digging; and

(B) Does not include the following:

(i) A property owner utilizing non-mechanized tools or equipment on their own property; or

(ii) Use of non-mechanized tools or equipment by or on behalf of a member operator to a depth not greater than twelve (12) inches for locating, repairing, connecting, protecting, or routine maintenance of the member operator's underground facilities.

SECTION 2. Tennessee Code Annotated, Section 65-31-102(10), is amended by deleting subdivision (A) and substituting:



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(A) Means an operation for the purpose of the movement, placement, or removal of earth, rock, or other materials in or on the ground by use of mechanized equipment, discharge of explosives, or by hand digging, and includes augering, backfilling, blasting, boring, digging, ditching, drilling, grading, pile-driving, plowing-in, pulling-in, ripping, scraping, sub-soiling, trenching, or tunneling; and

SECTION 3. Tennessee Code Annotated, Section 65-31-106(b), is amended by deleting the last sentence and substituting:

The person responsible for the excavation or demolition shall designate the location of the proposed area of excavation or demolition by marking the area, consistent with the marking standards established by the rules adopted pursuant to § 65-31-108(a), with "safety white" color-coded stakes, white paint, or by electronic white lining, unless:

SECTION 4. Tennessee Code Annotated, Section 65-31-106, is amended by adding the following as a new subsection:

(e) The notice requirements of this section do not apply to:

(1) A property owner utilizing non-mechanized tools or equipment on their own property; or

(2) Use of non-mechanized tools or equipment by or on behalf of a member operator to a depth not greater than twelve (12) inches for locating, repairing, connecting, protecting, or routine maintenance of the member operator's underground facilities.

SECTION 5. Tennessee Code Annotated, Section 65-31-107, is amended by adding the following as a new subsection:

(f) The one-call service may collect data concerning notice issues related to excavation projects encompassing more than two thousand feet (2,000') within a contiguous geographical area, or that will take more than ninety (90) days to complete. The one-call service may utilize such data to recommend alternatives to the board that

would alleviate the number of repeated additional notices required on such excavation projects by § 65-31-106.

SECTION 6. This act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. \_\_\_\_\_

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**AMEND Senate Bill No. 1444**

**House Bill No. 655\***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 62-6-102(4), is amended by adding the following new subdivision:

(G) "Contractor" does not include a home improvement contractor licensed pursuant to part 5 of this chapter if the total cost of the construction project is not more than fifty thousand dollars (\$50,000);

SECTION 2. Tennessee Code Annotated, Section 62-6-506(h), is amended by deleting the language "ten thousand dollars (\$10,000)" and substituting "twenty thousand dollars (\$20,000)".

SECTION 3. Tennessee Code Annotated, Section 62-6-506(h), is amended by designating the existing language as subdivision (1) and adding the following new subdivision (2):

(2) The increased surety bond or irrevocable letter of credit amount established in subdivision (h)(1) applies to an application for a home improvement contractor license or renewal of a license on or after July 1, 2023.

SECTION 4. This act takes effect July 1, 2023, the public welfare requiring it.



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Amendment No. \_\_\_\_\_

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Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1102**

**House Bill No. 919\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 7-82-307(a)(2), is amended by adding the following as a new subdivision:

(D) In any county having a population of not less than forty-two thousand seven hundred (42,700) nor more than forty-two thousand eight hundred (42,800), and in any county having a population of not less than twenty-eight thousand eight hundred (28,800) nor more than twenty-eight thousand nine hundred (28,900), according to the 2020 federal census or any subsequent federal census, this subdivision (a)(2) does not prohibit a commissioner from serving for more than two (2) consecutive terms.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.



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Amendment No. \_\_\_\_\_

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Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 233\***

**House Bill No. 379**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 62-35-123, is amended by deleting subsection (b).

SECTION 2. Tennessee Code Annotated, Section 62-35-134, is amended by deleting subsection (a) and substituting:

(a)

(1) Except as provided in subdivision (a)(2), it is unlawful for any person to knowingly employ as a security guard/officer any individual who:

(A) Is employed by a proprietary security organization; and

(B) Does not hold a valid registration card of the appropriate type

as provided in § 62-35-119(c).

(2) Subdivision (a)(1) does not apply where a person utilizes a contract security company and the individual who acts as a security guard/officer on behalf of the company does not hold a valid registration card of the appropriate type.

(3) A violation of subdivision (a)(1) is a Class A misdemeanor, punishable by fine only.

(4) The alcoholic beverage commission or a beer board shall suspend a license or permit for on-premises consumption, as applicable and in accordance with title 57, of a person for a violation of subdivision (a)(1) for a period of one (1) month per violation. However, this subdivision (a)(1) does not limit the alcoholic



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beverage commission's or a beer board's ability to seek to revoke or summarily suspend the license or permit.

SECTION 3. Tennessee Code Annotated, Section 62-35-103(a), is amended by adding the following as a new subdivision:

(16) An employee of a restaurant or establishment providing hospitality services, as defined in § 68-120-101(i), whose primary responsibilities do not involve the provision of security guard and patrol services;

SECTION 4. This act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_

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Signature of Sponsor

**AMEND Senate Bill No. 913\***

**House Bill No. 1136**

<b>FILED</b>
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 68-104-105, is amended by deleting subsection (a) and substituting:

(a) This chapter does not require a request for the issuance of a retailer's or seasonal retailer's fireworks permit to be signed by the chief executive officer of the county or municipality in which fireworks are to be sold or offered for sale to the public or by a person appointed or designated by the chief executive officer, if:

(1) The sale of fireworks at retail is permitted in the county or municipality; or

(2) Fireworks are offered for sale to the public in the county or municipality.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.



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Amendment No. \_\_\_\_\_

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Signature of Sponsor

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Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1201**

**House Bill No. 1276\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 66-34-103, is amended by deleting subsection (d) and substituting:

(d) If an owner or prime contractor withholds retainage that is for the use and benefit of the prime contractor or its remote contractors, then neither the prime contractor nor any of its remote contractors are required to deposit additional retained funds into an escrow account.

SECTION 2. Tennessee Code Annotated, Section 66-34-104(c), is amended by deleting "three hundred dollars (\$300)" and substituting "five hundred dollars (\$500)".

SECTION 3. Tennessee Code Annotated, Section 66-34-204, is amended by deleting the section and substituting:

(a) A party shall, after an event described in subdivisions (a)(1)-(3) and pursuant to the terms of the written contract, release and pay to the prime contractor all funds the party may have withheld as retainage; provided, however, the retainage must be paid within ninety (90) days after the date of the occurrence of an event described in subdivisions (a)(1)-(3). The party shall pay the prime contractor within the timeframes described in this subsection (a) when the party:

(1) Has received a use or occupancy permit for an improvement from a governmental agency lawfully issuing the permit;



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(2) Has received a certificate of substantial completion from an architect, engineer, or other party charged with supervision, observation, or management of the construction of an improvement; or

(3) Begins to use or could have begun to use the improvement.

(b) If the party withholding the retained funds fails to pay or otherwise release the retainage as provided in subsection (a), then the party shall pay each owner of the retained funds an additional five hundred dollars (\$500) per day as damages, not as a penalty, for each day that the retained funds are not paid or otherwise released.

Damages accrue from the first day after the ninetieth day of the first occurrence of an event described in subdivisions (a)(1)-(3).

(c) In addition to the damages set forth in subsection (b), a prime contractor or remote contractor that fails to pay or otherwise release retained funds as required by § 66-34-103(b) shall pay the owner of the retained funds an additional five hundred dollars (\$500) per day as damages, not as a penalty, for each day that the retained funds are not paid or otherwise released. Damages accrue from the first day after the tenth day the prime contractor or remote contractor received the retainage from the owner or higher-tier contractor.

SECTION 4. Tennessee Code Annotated, Title 66, Chapter 34, is amended by adding the following as a new section:

**66-34-206.**

(a) Notwithstanding this chapter to the contrary, a remote contractor is entitled to an early release of the retainage belonging to the remote contractor upon the remote contractor establishing that the improvement or work furnished under the written agreement to which the remote contractor is a party is substantially complete. As used in this section, "substantially complete" means:

(1) The remote contractor obtained a permit from a building codes department or other authority having jurisdiction over the remote contractor's

work and received an approval from the department or authority allowing the use of the remote contractor's work for its intended purpose;

(2) The use of, or ability to use, the remote contractor's work;

(3) Ten (10) days after the date the party withholding retainage receives a certificate of substantial completion substantially similar to the form in subsection (c), signed by the remote contractor certifying that its work is substantially complete and seeking release or payment of the retainage belonging to the remote contractor; provided, however, that a party withholding retainage is not required to release or pay retainage under this subdivision (a)(3) if it provides a written response setting forth adequate legal reasons for its refusal to release retainage, including, but not limited to, the failure of the remote contractor to substantially complete its work within ten (10) days of its receipt of the remote contractor certificate of substantial completion; or

(4) The remote contractor received a certificate of substantial completion from an architect, engineer, or other party charged with supervision, observation, or management of the construction of an improvement.

(b) Upon substantial completion of the remote contractor's work, a remote contractor may issue a written request to the party withholding retainage to release the retainage belonging to the remote contractor; provided, that the remote contractor furnishes documentary evidence that the improvement or the remote contractor's work is substantially complete, as that term is described in subdivisions (a)(1)-(4). A party that receives a request pursuant to this subsection (b) and that is withholding retainage must release the retainage within ten (10) days of the party's receipt of the request. Any retainage released pursuant to this section shall still be included in calculating the maximum five percent (5%) retainage permitted by § 66-34-103(a).

(c) A remote contractor may certify the substantial completion of the remote contractor's work by sending a certificate of substantial completion to the party

withholding retainage. The certificate of substantial completion must be in substantially the following form:

DATE: [date]

TO: [Owner or other party withholding retainage]

[Prime contractor and any other contractor with whom remote contractor may contract]

FROM: [Remote contractor]

[Remote contractor] certifies as of this the [day] of [month], [year], that [remote contractor] entered into a written agreement with [prime or remote contractor] under which [remote contractor] furnished the following labor and materials:

[Remote contractor] furnished the labor and materials in furtherance of improvements to [identify improved property]. [Remote contractor] first furnished labor and materials [day] of [month], [year], and last furnished materials on [day] of [month], [year]. As of the date of this certificate, the work required of [remote contractor] under its subcontract is substantially complete to the best of [remote contractor's] knowledge, information, and belief and can be utilized for its intended use. [Remote contractor] requests its retainage be released within ten (10) days of receipt of this certificate.

[signed, remote contractor]

(d) A party that fails to release the retainage for which a remote contractor provides certification pursuant to this section is subject to the damages provided in § 66-34-204.

(e) The party withholding retainage may assert as a defense in an action for payment of retainage or the damages provided by this section that the remote contractor's work was not substantially complete.

SECTION 5. This act takes effect January 1, 2024, the public welfare requiring it, and applies to contracts entered into, amended, or renewed on or after the effective date of this act.

Amendment No. \_\_\_\_\_

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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1276**

**House Bill No. 1305\***

by deleting the amendatory language of SECTION 2 and substituting:

(c) A landlord or person who fails to comply with subsection (a) becomes an agent of each person who is a landlord for the purpose of accepting service of process and receiving and receipting for notices and demands.

(d)

(1) If the information required by subsection (a) is not provided in the lease agreement or other writing, then the tenant may provide written notice requesting the information.

(2) If the information is not provided to the tenant within ten (10) days of the tenant submitting a written request in accordance with subdivision (d)(1), then the tenant may bring a cause of action to require the provision of the information required by subsection (a). If a court finds that a landlord, or an agent of the landlord, failed to comply with subsection (a), then the court shall order that the information required by subsection (a) be provided and award the tenant reasonable costs and attorneys' fees.

**AND FURTHER AMEND** by deleting subsections (d) and (e) in SECTION 3 and substituting:

(d) A landlord or person who fails to comply with subsection (b) becomes an agent of each person who is a landlord for the purpose of accepting service of process and receiving and receipting for notices and demands.

(e)



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(1) If the information required by subsection (b) is not provided in the lease agreement or other writing, then the tenant may provide written notice requesting the information.

(2) If the information is not provided to the tenant within ten (10) days of the tenant submitting a written request in accordance with subdivision (e)(1), then the tenant may bring a cause of action to require the provision of the information required by subsection (b). If a court finds that a landlord, or an agent of the landlord, failed to comply with subsection (b), then the court shall order that the information required by subsection (b) be provided and award the tenant reasonable costs and attorneys' fees.